

REMARKS/ARGUMENTS

Claims 33–34, 36–37 and 40–43 are pending in this Application. Applicants thank the Examiner for performing a thorough search and addressing all claim elements.

Claim Rejections

The table in Appendix I provides a summary of the asserted statutory basis (or bases) for each claim rejection stated in the Office Action mailed December 2, 2005. Applicants respectfully traverse these rejections. For clarity, Applicants address the claim rejections in a reverse numerical order of the pending claims.

Claim 43 is patentable over Thörig plus Handly

Thörig plus Handly does not teach or suggest all elements of claim 43. Claim 43 (via dependence from claim 42) includes the following elements:

A modular walk-in vault comprising:

**a seamless housing body unitarily formed as a single piece,
said seamless housing body being substantially vapor-tight
and having portions defining**

**a front wall having a door opening therethrough,
a rear wall,
two side walls,
a roof and
a floor;**

a door frame positioned in the door opening; and

a door mounted in the door frame whereby

said vault is fire resistant and burglary proof. . . .

wherein a plurality of hooks are integrally formed into the seamless housing body for facilitating hoisting the seamless housing body.

Applicants respectfully maintain that Handly is not analogous art for purposes of 35 USC § 103(a), and, accordingly, it is improper to seek to combine Handly and Thörig. Applicants respectfully also maintain that, even if Handly were to represent analogous art for purposes of 35 USC § 103(a), the combination of Thörig plus Handly does not teach or suggest all of the above-noted elements of claim 43.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Without prejudice with regard to whether the combination of Thörig plus Handly fails to teach or suggest other elements of claim 43, the combination of Thörig plus Handly does not teach or suggest a “modular walk-in vault.” Thörig discloses a small safe, and Handly discloses a grave vault formed by pouring cement or concrete into spaces surrounding a horizontally-oriented casket enclosed in a rough box that has been lowered into a grave in the ground.

Although Thörig does not explicitly describe dimensions for the claimed safes, the implicitly described dimensions of the safe disclosed in Thörig are much too small to be a modular walk-in vault. For example, the end-to-end length of the handle depicted on the door of the safe in Fig. 1 of Thörig is less than about one-sixth the safe’s interior width (as indicated by dotted lines on safe door *b*). If a safe handle is typically about the width of adult’s palm (to be generous, say about 10 cm), the interior width of the disclosed safe would be less than about 6 times 10 cm, or 60 cm (less than 2.0 ft). Because the safe’s interior height is depicted as being about the same as its interior width (i.e., about 60 cm or less than 2.0 ft), the height by width dimensions of the safe’s interior would be about 60 cm x 60 cm (or less than 2.0 ft by 2.0 ft).

However, even an estimated height or width of 60 cm for the disclosed safe’s interior is likely an overestimate. The horizontal width of lock *f* of Fig. 3 is less than about one-seventh the safe’s interior width. If the safe has an interior width of about 60 cm, the width of lock *f* would be about 60 cm divided by 7, which equals 8.6 cm (i.e., about 8–9 cm). Because a lock 8–9 cm wide would likely be considered a large lock, the lock is likely less than 8–9 cm wide, and the disclosed safe’s interior is also likely less than 60 cm (less than 2.0 ft) wide and less than 60 cm (less than 2.0 ft) high -- again, the safe’s interior is depicted as being about high as it is wide. Implicitly, the disclosed safe is too small to be a “modular walk-in vault.”

In addition to disclosing implicitly small dimensions, Thörig discloses other features that strongly indicate the disclosed safe is not a modular walk-in vault. For example, Fig. 2 represents a vertical section of the safe depicted in Fig. 1 (see, e.g., p. 1, col. 1, ln. 33). In Fig. 2, upper and lower bolts *g* each engage a groove or pit in reinforced body *a* [which is not labeled in

Fig. 2, but is labeled in Figs. 1, 3, 4 and 5] through a metal frame *s* that surrounds a removable metal plate *i* over lock *f*. If one assumes for the sake of argument that the safe disclosed in Fig. 2 were large enough to accommodate a person of typical height walking into the safe, another problem arises -- there is no indication in the design of the lower portion of body *a* that it might be intended to serve as a surface for walking. In fact, several lips to the right of where lower bolt *g* engages a groove or pit in reinforced body *a* in Fig. 2 strongly indicate that the lower portion of body *a* is not intended to serve as a walking surface (if a person of extremely short stature were to attempt to walk into the small safe, that person would have cause to trip).

Furthermore, as acknowledged in the Office Action mailed December 2, 2005, Thörig does not disclose the last element of claim 43, i.e., “a plurality of hooks are integrally formed into the seamless housing body [of a modular walk-in vault] . . .” The Office Action, however, maintains that the second reference, Handly, evidences awareness of this limitation.

But Applicants respectfully disagree with the latter broad characterization of what Handly suggests. The grave vault of Handly is **not** a modular walk-in vault, but the result of pouring a cement or concrete mixture into spaces surrounding a horizontally-oriented casket in a grave (p. 2, col. 1, lns. 7–30):

“Cement or concrete mixture having a formula preferably of 1, 1 and 2, mixed with water-proofing material is then poured into the opening of the grave and completely cover the encaged rough box 17 to a depth which completely embeds the upper reinforcing element 19 within the concrete. The walls of the dug grave, of course, form the outer form for the concrete while the box 16 with its lid 17 constitutes the inner form. . . . [P]referably four bars of bronze or brass or other suitable material designated 26, are also embedded in the concrete 25 over the top of the box, these four bars being disposed adjacent the corners of the concrete vault thus formed. These bars 26 are provided with eyes 27 whereby, if disinterment is desired, the vault may be lifted out of the ground.”

(emphasis added). The reference to “eyes” in the last sentence of the above excerpt is the only note in the text of Handly that might concern a “plurality of hooks.” These eyes are also shown in Fig. 1 and Fig. 3 of Handly.

Handly evidences that, at the time of the invention, it was known to provide a casket encasement with hooks integrally formed to the body of the encasement in order to assist in lifting the encasement (e.g., for disinterment). However, Handly does **not** teach or suggest a plurality of hooks that are integrally formed into the seamless housing body of a **modular walk-**

in vault for facilitating hoisting the seamless housing body of that **modular walk-in vault**. In addition to the fact that **neither Thörig nor Handly teaches or suggests a modular walk-in vault**, to seek to combine Handly (e.g., as a reference for a plurality of hooks integrally formed into the seamless housing body of a modular walk-in vault) with Thörig is improper because Handly is not analogous art.

Handly is not analogous art. It is not surprising that neither Thörig nor Handly teach or suggest a modular walk-in vault. Thörig and Handly (and particularly Handly) are **not** references from the art area of providing for a secure, lockable modular walk-in vault inside a building or habitat (see present application, e.g., p. 1, lns. 5–8). Again, Thörig discloses a small safe, and Handly is clearly from a separate art field (i.e., burial technology) than both Thörig and the present application. In particular, Handly is not analogous art for purposes of 35 USC § 103(a). Accordingly, Applicants respectfully maintain that, though the combination of Handly plus Thörig does not teach or suggest the invention of claim 43, it is not even proper to seek to combine Handly with Thörig. Applicants have thoroughly discussed the application of law concerning art that is not analogous for purposes of 35 USC § 103(a) in the Appeal Brief of May 4, 2004 for this application. Applicants herein reiterate applicable principles.

Whether a reference may be treated as analogous art is determined by a two-step process. First, it must be determined whether the reference is “within the field of the inventor’s endeavor.” Second, if the reference is outside that field, it must be determined whether the reference is “reasonably pertinent to the particular problem with which the inventor was involved.” *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986).

A reference is reasonably pertinent if it is one which, because of the matter with which it deals, logically would have commended itself to an inventor’s attention in considering his problem. Thus, the purposes of both the invention and the prior art are important in determining whether the reference is reasonably pertinent to the problem the invention attempts to solve. If a reference has the same purpose as the claimed invention, then the reference relates to the same problem, and that fact would support the use of the reference in an obviousness rejection. *In re Clay*, 966 F.2d 656, 23 USPQ2d 1058 (Fed. Cir. 1992).

The Handly reference, as noted above, is directed to forming an encasement for a casket by pouring a cement or concrete mixture into spaces surrounding a horizontally-oriented casket

in a grave (see excerpt above). As detailed in the following analytic process, the Handly reference cannot be considered analogous to the claimed invention for purposes of 35 USC § 103(a).

The first step in the two-step process for answering this question as outlined by *In re Deminski* is to determine whether the prior art is in the same field of endeavor as the claimed invention. Clearly, Handly is not in the same field of endeavor as the claimed invention. The field of endeavor of the claimed invention is modular walk-in vaults for a building or habitat (see present application, e.g., p. 1, lns. 5–8). Note that not only is the term “walk-in” recited in the preamble of claim 43, but “door” and “door frame” are also elements of the body of claim 43 through its dependence on claim 42. “Walk-in” and “door” (or “door frame”) appear multiple times throughout the present application’s specification. In contrast, nowhere do the terms “walk-in” or “door” appear in Handly. Instead, the field of endeavor for Handly is to form an absolutely sealed grave vault (See p. 1, col. 1, lns. 4–6: “The general object of my invention is to provide a grave vault of concrete or equivalent material which is absolutely seamless and without joint.” See also, p. 2, col. 1, lns. 47–53: “It will be seen that by my structure and by my method of forming a grave vault, I provide a vault that has no seams and which, under no circumstances, will permit air or water to gain access to the interior of the vault.”). Handly’s invention may be accurately described as a method (and related apparatus) for pouring a concrete encasement that seals absolutely a casket positioned horizontally in grave.

Furthermore, Handly is not reasonably pertinent to the claimed invention. The second step in the two-step process outlined by *In re Deminski* is to determine whether the prior art is reasonably pertinent to the claimed invention. To be reasonably pertinent, the prior art and the claimed invention must share the same purpose. The purpose of the claimed invention is to provide a walk-in vault that can be easily and quickly installed inside a building. The inventors recognized that, while walk-in vaults are very desirable for their high level of security, existing walk-in vaults had to be built in-place. Being built in-place, however, made walk-in vaults too expensive for the average person and prolonged building construction time. It also made it more difficult to add a walk-in vault to an existing building. To solve this problem, the inventors created a modular walk-in vault that is entirely prefabricated. Such a prefabricated modular walk-in vault could then be quickly and easily installed inside a building (See present application, e.g., p. 1, lns. 5–22; p. 7, lns. 11–31; Figures 5–6).

The purpose of Handly, on the other hand, is to form an absolutely sealed grave vault (See, e.g., p. 1, col. 1, lns. 4–6; and p. 2, col. 1, lns. 47–53). Handly recognized that a grave vault that has any seam at all or any joint, though the joint be caulked or otherwise sealed, is open to disintegration because the elements eventually gain access to the interior of the grave vault through the seam or joint (p. 1, col. 1, lns. 7–11). To solve this problem, Handly devised a method of forming a casket encasement that includes: filling concrete into a dug grave until support elements in the grave are entirely embedded, lowering a casket in a box onto embedded support elements in the dug grave while the base is still in a plastic condition, and pouring additional concrete over the box (and reinforcing elements) and between the sides and end walls of the box and the dug grave so that grave is filled (e.g., see claims 2 and 3). Therefore, the goal of Handly (absolutely sealing an enclosed casket in a dug grave) is not reasonably pertinent to the claimed invention (a modular walk-in vault).

Conclusion for claim 43. Based on the foregoing, Applicants respectfully maintain that Handly is not analogous art for the claimed invention. Applicants further respectfully maintain that, in view of Handly not being analogous art for the claimed invention, combining Handly with Thörig for purposes of 35 USC § 103(a) is improper. Separately and in addition, Applicants respectfully maintain that, without prejudice with regard to whether the combination of Thörig plus Handly fails to teach or suggest other elements of claim 43, the combination of Thörig plus Handly (even though an improper combination) does not teach or suggest a “modular walk-in vault.” Applicants respectfully request that the rejection of claim 43 be withdrawn, and that claim 43 be allowed to pass to issuance.

[remainder of page 9 intentionally left blank]

Thörig does not anticipate claim 42

Thörig does not disclose all elements of claim 42. Claim 42 includes the following elements:

42. A **modular walk-in vault** comprising:

**a seamless housing body unitarily formed as a single piece,
said seamless housing body being substantially vapor-tight
and having portions defining**

**a front wall having a door opening therethrough,
a rear wall,
two side walls,
a roof and
a floor;**

a door frame positioned in the door opening; and

**a door mounted in the door frame whereby
said vault is fire resistant and burglary proof.**

Applicants respectfully maintain that Thörig does not disclose each of these elements. As a result, Thörig does not anticipate the claimed invention under 35 USC 102(b).

In order to anticipate a claim, a prior art reference must teach each and every element of the claim. See, e.g., *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Id.* at 631. Stated another way, there must be no difference between the claimed invention and the prior art reference as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991).

Thörig does not disclose a modular walk-in vault. Without prejudice with regard to whether Thörig fails to disclose other elements of claim 42, Thörig does not disclose a “modular walk-in vault.” As detailed in the preceding analysis on the patentability of claim 43, Thörig simply discloses a small safe. As a result, Thörig does not anticipate claim 42.

Thörig does not disclose a door frame in which a door is mounted. In addition to failing to disclose a “modular walk-in vault” (and again, without prejudice with regard to whether

Thörig fails to disclose other elements of claim 42), Thörig does not disclose a “door frame” in which a door is mounted. The small safe disclosed in Thörig “provides a safe in which the body and also the door each consists of a single monolithic concrete body which is formed in one casting . . .” (p. 1, col. 1, lns. 12–15). The small safe disclosed in Thörig essentially lacks a door frame. The present application, on the other hand, explicitly discloses a door frame (see, e.g., p. 7, lns. 14–15: “A door frame 116 is integrally formed with the housing body 100. A door 118 is mounted on the door frame 116 by means of hinges 120.”). In addition, “a door mounted in the door frame” is an element of all pending claims, including claim 42.

Conclusion for claim 42. Based on the foregoing, Applicants respectfully maintain that Thörig does not anticipate the claimed invention. Thörig fails to disclose both a “modular walk-in vault” and a “door frame” in which a door is mounted. Applicants respectfully request that the rejection of claim 42 be withdrawn, and that claim 42 be allowed to pass to issuance.

Fritz does not anticipate claim 41, which is also patentable over Thörig plus Handly

Fritz does not disclose all elements of claim 41. Claim 41 (via dependence from claim 40) includes the following elements:

A modular vault comprising:

**a seamless housing body unitarily formed as a single piece,
said seamless housing body being substantially vapor-tight
and having portions defining**

**a front wall having a door opening therethrough,
a rear wall,
two side walls,
a roof and
a floor;**

a door frame positioned in the door opening; and

a door mounted in the door frame whereby

said vault is fire resistant and burglary proof. . . .

wherein a plurality of hooks are integrally formed into the seamless housing body for facilitating hoisting the seamless housing body.

Again, in order to anticipate a claim, a prior art reference must teach each and every element of the claim. But Fritz does not disclose all elements of claim 41.

Fritz does not disclose a modular vault. Without prejudice with regard to whether Fritz fails to disclose other elements of claim 41, Fritz fails to disclose a “modular vault.” Fritz simply discloses a casket “especially adapted for burial purposes” (p. 1, col. 1, lns. 8–9). Fritz often refers to this casket a “burial vault.” Regardless of its designation, the casket disclosed in Fritz lacks, among other things, the “modular” element of the present invention’s “modular vault.”

Webster’s Encyclopedic Unabridged Dictionary of the English Language (1994: Gramercy Books, New York) provides the following two definitions of “modular” (a third definition is limited to mathematical lattices):

1. of or pertaining to a module or modulus;
2. composed of standardized units or sections for easy construction or flexible arrangement: *a modular home.*

As would be recognized by a person of ordinary skill, the second of these definitions in particular applies to the modular vault of the present application. However, the second of these definitions does **not** apply to the casket or burial vault disclosed in Fritz. The casket disclosed in Fritz is not intended to be a standardized section of, or permit the easy construction of, a building (e.g., such as a modular home). The casket disclosed in Fritz is intended for burial in a grave. In short, Fritz does not disclose a modular vault. As a result, Fritz does not anticipate claim 41.

Fritz does not disclose a door frame in which a door is mounted. In addition to failing to disclose a “modular vault” (and again, without prejudice with regard to whether Fritz fails to disclose other elements of claim 41), Fritz fails to disclose a “door frame” in which a door is mounted. The horizontal casket cover of the casket disclosed in Fritz is not mounted in a door frame. As noted previously, the present application, on the other hand, explicitly discloses a door frame, and “a door mounted in the door frame” is an element of all pending claims, including claim 41.

Handly is not analogous art. Much of the previous discussion traversing the rejection of claim 43 as unpatentable over Thörig plus Handly also largely applies to claim 41. In particular, Handly is not analogous art for purposes of 35 USC § 103(a). Thus, combining Thörig plus Handly is an improper.

Thörig plus Handly fails to teach or suggest a modular vault. Separately and in addition, Applicants respectfully maintain that, without prejudice with regard to whether the combination of Thörig plus Handly fails to teach or suggest other elements of claim 41, the combination of Thörig plus Handly (even though an improper combination) fails to teach or suggest claim 41's "modular vault" element. Again, Thörig discloses a small safe, and Handly discloses a grave vault formed by pouring cement or concrete into spaces surrounding a horizontally-oriented casket enclosed in a rough box that has been lowered into a grave dug in the ground. Thörig plus Handly fails to teach or suggest a modular vault that is intended to be a standardized section of, or is intended to permit the easy construction of, a building (e.g., such as a modular home).

Conclusion for claim 41. Based on the foregoing, Applicants respectfully maintain that Fritz does not anticipate claim 41. Fritz fails to disclose both a "modular vault" and a "door frame" in which a door is mounted. In addition, Applicants respectfully maintain claim 41 is patentable over Thörig plus Handly. Applicants respectfully maintain that Handly is not analogous art for the claimed invention, and that combining Handly with Thörig for purposes of 35 USC § 103(a) is improper. Separately and in addition, Applicants respectfully maintain that, without prejudice with regard to whether the combination of Thörig plus Handly fails to teach or suggest other elements of claim 41, the combination of Thörig plus Handly (even though an improper combination) does not teach or suggest a "modular vault." Applicants respectfully request that the rejections of claim 41 be withdrawn, and that claim 41 be allowed to pass to issuance.

[remainder of page 13 intentionally left blank]

Neither Fritz nor Thörig anticipates claim 40

Fritz does not disclose all elements of claim 40. Claim 40 includes the following elements:

A modular vault comprising:

**a seamless housing body unitarily formed as a single piece,
said seamless housing body being substantially vapor-tight
and having portions defining**

**a front wall having a door opening therethrough,
a rear wall,
two side walls,
a roof and
a floor;**

a door frame positioned in the door opening; and

**a door mounted in the door frame whereby
said vault is fire resistant and burglary proof.**

Again, in order to anticipate a claim, a prior art reference must teach each and every element of the claim. But Fritz does not disclose all elements of claim 40. Nor does Thörig.

Fritz does not disclose a modular vault. Without prejudice with regard to whether Fritz fails to disclose other elements of claim 40, Fritz fails to disclose a “modular vault.” Fritz simply discloses a casket “especially adapted for burial purposes” (p. 1, col. 1, lns. 8–9). Fritz often refers to this casket as a “burial vault.” As noted in the discussion of claim 41 above, the casket disclosed in Fritz lacks, among other things, the “modular” element of the present invention’s “modular vault.” Fritz fails to disclose a modular vault, e.g., a vault that is intended to be a standardized section of, or is intended to permit the easy construction of, a building (e.g., such as a modular home).

Fritz does not disclose a door frame in which a door is mounted. In addition to failing to disclose a “modular vault” (and again, without prejudice with regard to whether Fritz fails to disclose other elements of claim 40), Fritz fails to disclose a “door frame” in which a door is mounted. The horizontal casket cover of the casket disclosed in Fritz is not mounted in a door frame. As noted previously, the present application, on the other hand, explicitly discloses a

door frame, and “a door mounted in the door frame” is an element of all pending claims, including claim 40.

Thörig does not disclose a modular vault. Without prejudice with regard to whether Thörig fails to disclose other elements of claim 40, Thörig also fails to disclose a “modular vault.” As detailed in the analysis on the patentability of claim 43 above, Thörig simply discloses a small safe. In particular, Thörig does not disclose a modular vault that is intended to be a standardized section of, or is intended to permit the easy construction of, a building (e.g., such as a modular home). As a result, Thörig does not anticipate claim 40.

Thörig does not disclose a door frame in which a door is mounted. In addition to failing to disclose a “modular vault” (and again, without prejudice with regard to whether Thörig fails to disclose other elements of claim 40), Thörig fails to disclose a “door frame” in which a door is mounted. The small safe disclosed in Thörig “provides a safe in which the body and also the door each consists of a single monolithic concrete body which is formed in one casting . . .” (p. 1, col. 1, lns. 12–15). The small safe disclosed in Thörig essentially lacks a door frame. The present application, on the other hand, explicitly discloses a door frame (see, e.g., p. 7, lns. 14–15). In addition, “a door mounted in the door frame” is an element of all pending claims, including claim 40.

Conclusion for claim 40. Based on the foregoing, Applicants respectfully maintain that neither Fritz nor Thörig anticipates the claimed invention. Both Fritz and Thörig fail to disclose a “modular vault,” and both references fail disclose a door frame in which a door is mounted. Accordingly, Applicants respectfully request that the rejection of claim 40 be withdrawn, and that claim 40 be allowed to pass to issuance.

[remainder of page 15 intentionally left blank]

Zachry does not anticipate claim 37, which is also patentable over Thörig plus Handly

Zachry does not disclose all elements of claim 37. Claim 37 (via dependence from claim 36) includes the following elements:

A modular walk-in vault comprising:

a seamless housing body unitarily formed as a single piece,

said seamless housing body having portions defining

a front wall having a door opening therethrough,

a rear wall,

two side walls,

a roof and

a floor;

a door frame positioned in the door opening; and

a door mounted in the door frame whereby

said vault is fire resistant and burglary proof. . . .

wherein a plurality of hooks are integrally formed into the seamless housing body for facilitating hoisting the seamless housing body.

Again, in order to anticipate a claim, a prior art reference must teach each and every element of the claim. But Zachry does not disclose all elements of claim 37.

Zachry does not disclose a vault. Without prejudice with regard to whether Zachry fails to disclose other elements of claim 37, Zachry fails to disclose a “vault.” Instead, Zachry discloses precast concrete rooms comprising an initially cast floor and a separately cast top segment (ceiling and three sidewalls) **with one side of the room being completely open** (or covered by glass). Zachry succinctly describes his invention at col. 1, lns. 29–42:

“This invention relates to a structural system in which a number of precast concrete rooms, having load bearing walls, are stacked together to form a rigid structure. Each of the rooms has an integrally formed top segment comprising a ceiling and sidewalls, **with one side of the room being completely open**. A precast concrete floor is secured to the top segment during integral casting thereof. The end of a unit opposite its open end has a cantilevered overhang which serves as a portion of a corridor adjoining such end, a corresponding overhang of a second unit serving as the remaining portion of the corridor. The concrete room is precast to form an integral unit by an initial casting operation to form the floor and a subsequent casting operation wherein the ceiling and three sidewalls are simultaneously cured and secured to the floor.”

(emphasis added)

Unlike the present application, the disclosure of Zachry is not concerned with providing a secure, lockable modular walk-in vault inside a building or habitat. The disclosure of Zachry appears to address eliminating the need for frames in aligning modules (col. 1, lns. 17–22) that are used in assembling a structural system (independent claim 1) or a building (independent claim 4) comprising a plurality of precast concrete rooms.

Zachry does not disclose a “vault.” In fact, the precast concrete rooms disclosed in Zachry have one side that is either completely open (col. 1, lns. 33–34) or that is simply covered with sliding glass doors or sliding glass windows (col. 1, lns. 49–52; col. 2, lns. 12–14; col. 2, lns. 34–37; and lines 18 and 38 of Fig. 1). In addition, Zachry readily notes other openings may be included in the precast concrete rooms (e.g., “The sidewalls may have any number of openings cast in them for doors, windows, plumbing, air-conditioning ducts and the like.” col. 1, lns. 47–49; and “A conventional door opening (not shown) is formed in the end wall, the open side of the room opposite thereto having a sliding glass door 18. Other openings (not shown) such as bathroom exhaust, windows, and air-conditioning ducts, may also be provided.” col. 2, lns. 12–16). These openings are not conducive to the security for which a “vault” is designed. Because Zachry does not disclose a “vault,” Zachry does not anticipate claim 37.

Zachry does not disclose a seamless housing body unitarily formed as a single piece. In addition to failing to disclose a “vault” (and again, without prejudice with regard to whether Zachry fails to disclose other elements of claim 37), Zachry fails to disclose a “a seamless housing body unitarily formed as a single piece.” The precast concrete rooms disclosed in Zachry are not seamless, but comprise a top segment (ceiling and three sidewalls) secured to a separately cast floor (e.g., “Each of the rooms has an integrally formed top segment comprising a ceiling and sidewalls, with one side of the room being completely open. A precast concrete floor is secured to the top segment during integral casting thereof.” col. 1, lns. 31–35; and “The concrete room is precast to form an integral unit by an initial casting operation to form the floor and a subsequent casting operation wherein the ceiling and three sidewalls are simultaneously cured and secured to the floor.” col. 1, lns. 39–42).

The present application, on the other hand, explicitly discloses “a seamless housing body unitarily formed as a single piece” (see, e.g., p. 7, lns. 5–20; and Fig. 4), and “a seamless housing body unitarily formed as a single piece” is an element of all pending claims, including

claim 37. Because Zachry does not disclose a “a seamless housing body unitarily formed as a single piece,” Zachry does not anticipate claim 37.

Handly is not analogous art. Much of the previous discussion traversing the rejection of claim 43 as unpatentable over Thörig plus Handly also largely applies to claim 37. In particular, Handly is not analogous art for purposes of 35 USC § 103(a). Thus, combining Thörig plus Handly is an improper.

Thörig plus Handly fails to teach or suggest a modular walk-in vault. Separately and in addition, Applicants respectfully maintain that, without prejudice with regard to whether the combination of Thörig plus Handly fails to teach or suggest other elements of claim 37, the combination of Thörig plus Handly (even though an improper combination) fails to teach or suggest claim 37’s “modular walk-in vault” element. Again, Thörig discloses a small safe, and Handly discloses a grave vault formed by pouring cement or concrete into spaces surrounding a horizontally-oriented casket enclosed in a rough box that has been lowered into a grave in the ground. Thörig plus Handly fails to teach or suggest a modular walk-in vault that is intended to be a standardized section of, or is intended to permit the easy construction of, a building (e.g., such as a modular home).

Conclusion for claim 37. Based on the foregoing, Applicants respectfully maintain that Zachry does not anticipate claim 37. Zachry fails to disclose both a “vault” and a “a seamless housing body unitarily formed as a single piece.” In addition, Applicants respectfully maintain claim 37 is patentable over Thörig plus Handly. Applicants respectfully maintain that Handly is not analogous art for the claimed invention, and that combining Handly with Thörig for purposes of 35 USC § 103(a) is improper. Separately and in addition, Applicants respectfully maintain that, without prejudice with regard to whether the combination of Thörig plus Handly fails to teach or suggest other elements of claim 37, the combination of Thörig plus Handly (even though an improper combination) does not teach or suggest a “modular walk-in vault.” Applicants respectfully request that the rejections of claim 37 be withdrawn, and that claim 37 be allowed to pass to issuance.

[remainder of page 18 intentionally left blank]

Neither Zachry nor Fritz nor Thörig anticipates claim 36

Neither Zachry nor Fritz nor Thörig discloses all elements of claim 36. Claim 36 includes the following elements:

A modular walk-in vault comprising:

a seamless housing body unitarily formed as a single piece,

said seamless housing body **having** portions defining

a front wall having a door opening therethrough,

a rear wall,

two side walls,

a roof and

a floor;

a door frame positioned in the door opening; and

a door mounted in the door frame whereby

said vault is fire resistant and burglary proof.

Again, in order to anticipate a claim, a prior art reference must teach each and every element of the claim. But neither Zachry nor Fritz nor Thörig discloses all elements of claim 36.

Neither Zachry nor Fritz nor Thörig discloses a modular walk-in vault. Without prejudice with regard to whether Zachry fails to disclose other elements of claim 36, Zachry does not disclose a “modular walk-in vault.” As detailed in the preceding analysis on the patentability of claim 37, Zachry does not disclose a vault. Accordingly, Zachry cannot disclose a “modular walk-in vault.” As a result, Zachry does not anticipate claim 36.

Without prejudice with regard to whether Fritz fails to disclose other elements of claim 36, Fritz does not disclose a “modular walk-in vault.” As detailed in the preceding analysis on the patentability of claims 41 and 40, Fritz does not disclose a modular vault that is intended to be a standardized section of, or is intended to permit the easy construction of, a building (e.g., such as a modular home). Accordingly, Fritz cannot disclose a “modular walk-in vault.” As a result, Fritz does not anticipate claim 36.

Without prejudice with regard to whether Thörig fails to disclose other elements of claim 36, Thörig does not disclose a “modular walk-in vault.” As detailed in the preceding analysis on the patentability of claims 43, 42, 41 and 40, Thörig discloses neither a modular walk-in vault

(claims 43 and 42) nor a modular vault (claims 41 and 40) that is intended to be a standardized section of, or is intended to permit the easy construction of, a building (e.g., such as a modular home). As a result, Thörig does not anticipate claim 36.

Neither Zachry nor Fritz nor Thörig discloses a front wall having a door opening therethrough. Without prejudice with regard to whether Zachry fails to disclose other elements of claim 36, Zachry does not disclose a “a front wall having a door opening therethrough.” The modular walk-in vault of claim 36 includes “a front wall having a door opening therethrough, a rear wall, two side walls, a roof, and a floor.” In the modular walk-in vault of claim 36, there is no side that lacks a “wall” structure. But the precast concrete rooms disclosed in Zachry have one side of the room either completely open (col. 1, lns. 31–38) or the “open wall” accommodates sliding glass doors (col. 1, lns. 49–52; col. 2, lns. 12–14; line 18 of Fig. 1); this same side of the room may also include slidable glass windows (col. 2, lns. 34–37; line 38 of Fig. 1). But Zachry does not disclose a front “wall” having a door opening therethrough. The structures that Zachry discloses [i.e., either a completely open side, or side made of sliding glass doors (that may also include slidable glass windows)] would not be a “wall” as used in the pending application (e.g., as disclosed in Fig. 4 of the pending application) or as typically understood by a person of ordinary skill. Because Zachry does not disclose a front “wall” having a door opening therethrough, Zachry does not anticipate claim 36.

Without prejudice with regard to whether Fritz fails to disclose other elements of claim 36, Fritz does not disclose “a front wall having a door opening therethrough.” The only part of the burial vault disclosed in Fritz that could be open is the casket cover. But the casket cover cannot correspond to “a front wall having a door opening therethrough” for at least two reasons. First, the casket cover is a top cover, not a front wall. Second, even if the top cover of the casket were stretched in meaning to correspond to “a front wall” of claim 36, that front wall is not one “having a door opening therethrough” (i.e., is not a “front wall having a door opening therethrough,” e.g., as disclosed in Fig. 4 of the pending application). The disclosed casket cover constitutes the entire top of the burial vault disclosed in Fritz. Because Fritz does not disclose a “front wall having a door opening therethrough,” Fritz does not anticipate claim 36.

Without prejudice with regard to whether Thörig fails to disclose other elements of claim 36, Thörig does not disclose “a front wall having a door opening therethrough” (e.g., as

disclosed in Fig. 4 of the pending application). As viewed from the interior of the safe disclosed in Fritz, there is no front wall (see Figs 1, 2 and 3 of Fritz). When the door of the safe is completely open, the interior of the safe disclosed in Fritz is bounded by a top, a bottom, and three side walls; there is no fourth side wall (i.e., a front wall) having a door opening through it. Because Thörig does not disclose a “front wall having a door opening therethrough,” Fritz does not anticipate claim 36.

Conclusion for claim 36. Based on the foregoing, Applicants respectfully maintain that neither Zachry nor Fritz nor Thörig anticipates claim 36. None of the three references discloses a “modular walk-in vault,” and none of the three references discloses a “front wall having a door opening therethrough.” Applicants respectfully request that the rejections of claim 36 be withdrawn, and that claim 36 be allowed to pass to issuance.

Zachry does not anticipate claim 34, which is also patentable over Thörig plus Handly

Zachry does not disclose all elements of claim 34. Claim 34 (via dependence from claim 33) includes the following elements:

A modular vault comprising:

**a seamless housing body unitarily formed as a single piece,
said seamless housing body having portions defining**

**a front wall having a door opening therethrough,
a rear wall,
two side walls,
a roof and
a floor;**

a door frame positioned in the door opening; and

a door mounted in the door frame whereby

said vault is fire resistant and burglary proof. . . .

wherein a plurality of hooks are integrally formed into the seamless housing body for facilitating hoisting the seamless housing body.

Again, in order to anticipate a claim, a prior art reference must teach each and every element of the claim. But Zachry does not disclose all elements of claim 34.

Zachry does not disclose a vault. Much of the previous discussion traversing the rejection of claim 37 as anticipated by Zachry also largely applies to claim 34. In particular, without

prejudice with regard to whether Zachry fails to disclose other elements of claim 34, Zachry fails to disclose a “vault.” Again, Zachry discloses precast concrete rooms comprising an initially cast floor and a separately cast top segment (ceiling and three sidewalls) **with one side of the room being completely open** (or covered by glass). Unlike the present application, the disclosure of Zachry is not concerned with providing a secure, lockable modular vault inside a building or habitat. The disclosure of Zachry appears to address eliminating the need for frames in aligning modules (col. 1, lns. 17–22) that are used in assembling a structural system (independent claim 1) or a building (independent claim 4) comprising a plurality of precast concrete rooms.

Zachry does not disclose a “vault.” As noted previously, the precast concrete rooms disclosed in Zachry have one side that is either completely open (col. 1, lns. 33–34) or that is simply covered with sliding glass doors or sliding glass windows (col. 1, lns. 49–52; col. 2, lns. 12–14; col. 2, lns. 34–37; and lines 18 and 38 of Fig. 1). In addition, Zachry readily notes other openings may be included in the precast concrete rooms (e.g., “The sidewalls may have any number of openings cast in them for doors, windows, plumbing, air-conditioning ducts and the like.” col. 1, lns. 47–49; and “A conventional door opening (not shown) is formed in the end wall, the open side of the room opposite thereto having a sliding glass door 18. Other openings (not shown) such as bathroom exhaust, windows, and air-conditioning ducts, may also be provided.” col. 2, lns. 12–16). These openings are not conducive to the security for which a “vault” is designed. Because Zachry does not disclose a “vault,” Zachry does not anticipate claim 34.

Zachry does not disclose a seamless housing body unitarily formed as a single piece. In addition to failing to disclose a “vault” (and again, without prejudice with regard to whether Zachry fails to disclose other elements of claim 34), Zachry fails to disclose a “a seamless housing body unitarily formed as a single piece.” The precast concrete rooms disclosed in Zachry are not seamless, but comprise a top segment (ceiling and three sidewalls) secured to a separately cast floor (e.g., “Each of the rooms has an integrally formed top segment comprising a ceiling and sidewalls, with one side of the room being completely open. A precast concrete floor is secured to the top segment during integral casting thereof.” col. 1, lns. 31–35; and “The concrete room is precast to form an integral unit by an initial casting operation to form the floor

and a subsequent casting operation wherein the ceiling and three sidewalls are simultaneously cured and secured to the floor.” col. 1, Ins. 39–42).

The present application, on the other hand, explicitly discloses “a seamless housing body unitarily formed as a single piece” (see, e.g., p. 7, Ins. 5–20; and Fig. 4), and “a seamless housing body unitarily formed as a single piece” is an element of all pending claims, including claim 34. Because Zachry does not disclose a “a seamless housing body unitarily formed as a single piece,” Zachry does not anticipate claim 34.

Handly is not analogous art. Much of the previous discussion traversing the rejection of claim 43 as unpatentable over Thörig plus Handly also largely applies to claim 34 (as it applied also to claim 37). In particular, Handly is not analogous art for purposes of 35 USC § 103(a). Thus, combining Thörig plus Handly is an improper.

Thörig plus Handly fails to teach or suggest a modular vault. Separately and in addition, Applicants respectfully maintain that, without prejudice with regard to whether the combination of Thörig plus Handly fails to teach or suggest other elements of claim 34, the combination of Thörig plus Handly (even though an improper combination) fails to teach or suggest claim 34’s “modular vault” element. Again, Thörig discloses a small safe, and Handly discloses a grave vault formed by pouring cement or concrete into spaces surrounding a horizontally-oriented casket enclosed in a rough box that has been lowered into a grave in the ground. Thörig plus Handly fails to teach or suggest a modular vault that is intended to be a standardized section of, or is intended to permit the easy construction of, a building (e.g., such as a modular home).

Conclusion for claim 34. Based on the foregoing, Applicants respectfully maintain that Zachry does not anticipate claim 34. Zachry fails to disclose both a “vault” and a “a seamless housing body unitarily formed as a single piece.” In addition, Applicants respectfully maintain claim 34 is patentable over Thörig plus Handly. Applicants respectfully maintain that Handly is not analogous art for the claimed invention, and that combining Handly with Thörig for purposes of 35 USC § 103(a) is improper. Separately and in addition, Applicants respectfully maintain that, without prejudice with regard to whether the combination of Thörig plus Handly fails to teach or suggest other elements of claim 34, the combination of Thörig plus Handly (even though an improper combination) does not teach or suggest a “modular vault.” Applicants

respectfully request that the rejections of claim 34 be withdrawn, and that claim 34 be allowed to pass to issuance.

Neither Zachry nor Fritz nor Thörig anticipates claim 33

Neither Zachry nor Fritz nor Thörig discloses all elements of claim 33. Claim 33 includes the following elements:

A modular vault comprising:

a seamless housing body unitarily formed as a single piece,

said seamless housing body having portions defining

a front wall having a door opening therethrough,

a rear wall,

two side walls,

a roof and

a floor;

a door frame positioned in the door opening; and

a door mounted in the door frame whereby

said vault is fire resistant and burglary proof.

Again, in order to anticipate a claim, a prior art reference must teach each and every element of the claim. But neither Zachry nor Fritz nor Thörig discloses all elements of claim 33.

Neither Zachry nor Fritz nor Thörig discloses a modular vault. Much of the previous discussion traversing the rejection of claim 36 as anticipated by Zachry or Fritz or Thörig also largely applies to claim 33. For instance, without prejudice with regard to whether Zachry fails to disclose other elements of claim 33, Zachry does not disclose a “modular vault.” As detailed in the preceding analysis on the patentability of claims 37 and 34, Zachry does not disclose a vault. Accordingly, Zachry cannot disclose a “modular vault.” As a result, Zachry does not anticipate claim 33.

Without prejudice with regard to whether Fritz fails to disclose other elements of claim 33, Fritz does not disclose a “modular vault.” As detailed in the preceding analysis on the patentability of claims 41, 40 and 36, Fritz discloses a burial vault (i.e., casket); Fritz does not disclose a modular vault that is intended to be a standardized section of, or is intended to permit

the easy construction of, a building (e.g., such as a modular home). Accordingly, Fritz cannot disclose a “modular vault.” As a result, Fritz does not anticipate claim 33.

Without prejudice with regard to whether Thörig fails to disclose other elements of claim 33, Thörig does not disclose a “modular vault.” As detailed in the preceding analysis on the patentability of claims 41 and 40, Thörig does not disclose a modular vault that is intended to be a standardized section of, or is intended to permit the easy construction of, a building (e.g., such as a modular home). As a result, Thörig does not anticipate claim 33.

Neither Zachry nor Fritz nor Thörig discloses a front wall having a door opening therethrough. Without prejudice with regard to whether Zachry fails to disclose other elements of claim 33, Zachry does not disclose a “a front wall having a door opening therethrough.” The modular vault of claim 33 includes “a front wall having a door opening therethrough, a rear wall, two side walls, a roof, and a floor.” In the modular vault of claim 33, there is no side that lacks a “wall” structure. But the precast concrete rooms disclosed in Zachry have one side of the room either completely open (col. 1, lns. 31–38) or the “open wall” accommodates sliding glass doors (col. 1, lns. 49–52; col. 2, lns. 12–14; line 18 of Fig. 1); this same side of the room may also include slidable glass windows (col. 2, lns. 34–37; line 38 of Fig. 1). But Zachry does not disclose a front “wall” having a door opening therethrough. The structures that Zachry discloses [i.e., either a completely open side, or side made of sliding glass doors (that may also include slidable glass windows)] would not be a “wall” as used in the pending application (e.g., as disclosed in Fig. 4 of the pending application) or as typically understood by a person of ordinary skill. Because Zachry does not disclose a front “wall” having a door opening therethrough, Zachry does not anticipate claim 33.

Without prejudice with regard to whether Fritz fails to disclose other elements of claim 33, Fritz does not disclose “a front wall having a door opening therethrough.” The only part of the burial vault disclosed in Fritz that could be open is the casket cover. But the casket cover cannot correspond to “a front wall having a door opening therethrough” for at least two reasons. First, the casket cover is a top cover, not a front wall. Second, even if the top cover of the casket were stretched in meaning to correspond to “a front wall” of claim 33, that front wall is not one “having a door opening therethrough” (i.e., is not a “front wall having a door opening therethrough,” e.g., as disclosed in Fig. 4 of the pending application). The disclosed casket

cover constitutes the entire top of the burial vault disclosed in Fritz. Because Fritz does not disclose a “front wall having a door opening therethrough,” Fritz does not anticipate claim 33.

Without prejudice with regard to whether Thörig fails to disclose other elements of claim 33, Thörig does not disclose “a front wall having a door opening therethrough” (e.g., as disclosed in Fig. 4 of the pending application). As viewed from the interior of the safe disclosed in Fritz, there is no front wall (see Figs 1, 2 and 3 of Fritz). When the door of the safe disclosed in Fritz is completely open, the interior of the safe of Fritz is bounded by a top, a bottom, and three side walls; there is no fourth side wall (i.e., a front wall) having a door opening through it. Because Thörig does not disclose a “front wall having a door opening therethrough,” Fritz does not anticipate claim 33.

Conclusion for claim 33. Based on the foregoing, Applicants respectfully maintain that neither Zachry nor Fritz nor Thörig anticipates claim 33. None of the three references discloses a “modular vault,” and none of the three references discloses a “front wall having a door opening therethrough.” Applicants respectfully request that the rejections of claim 33 be withdrawn, and that claim 33 be allowed to pass to issuance.

[remainder of page 26 intentionally left blank]

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Applicants respectfully request that the application be allowed to pass to issuance.

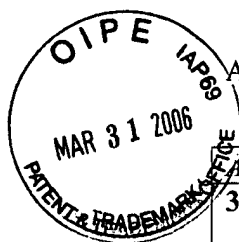
If any issue should arise that may be addressed telephonically, Applicants' undersigned representative earnestly requests a call at 713-951-3309.

Respectfully submitted,

Dated: *March 30, 2006*

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Appendix I	Claim	Reference(s): 35 USC Basis
	<p>33. A modular vault comprising:</p> <ul style="list-style-type: none"> a seamless housing body unitarily formed as a single piece, said seamless housing body having portions defining a front wall having a door opening therethrough, a rear wall, two side walls, a roof and a floor; a door frame positioned in the door opening; and a door mounted in the door frame whereby said vault is fire resistant and burglary proof. 	<p>Zachary(US3596417): 102(b) Fritz (US1519727): 102(b) Thörig (US1400104): 102(b)</p>
	<p>34. A modular vault of claim 33, wherein a plurality of hooks are integrally formed into the seamless housing body for facilitating hoisting the seamless housing body.</p>	<p>Zachary: 102(b) Thörig+Handly (US2103005): 103(a)</p>
	<p>36. A modular walk-in vault comprising:</p> <ul style="list-style-type: none"> a seamless housing body unitarily formed as a single piece, said seamless housing body having portions defining a front wall having a door opening therethrough, a rear wall, two side walls, a roof and a floor; a door frame positioned in the door opening; and a door mounted in the door frame whereby said vault is fire resistant and burglary proof. 	<p>Zachary: 102(b) Fritz: 102(b) Thörig: 102(b)</p>
	<p>37. A modular walk-in vault of claim 36, wherein a plurality of hooks are integrally formed into the seamless housing body for facilitating hoisting the seamless housing body.</p>	<p>Zachary: 102(b) Thörig+Handly: 103(a)</p>
	<p>40. A modular vault comprising:</p> <ul style="list-style-type: none"> a seamless housing body unitarily formed as a single piece, said seamless housing body being substantially vapor-tight and having portions defining a front wall having a door opening therethrough, a rear wall, two side walls, a roof and a floor; a door frame positioned in the door opening; and a door mounted in the door frame whereby said vault is fire resistant and burglary proof. 	<p>Fritz: 102(b) Thörig: 102(b)</p>
	<p>41. A modular vault of claim 40, wherein a plurality of hooks are integrally formed into the seamless housing body for facilitating hoisting the seamless housing body.</p>	<p>Fritz: 102(b) Thörig+Handly: 103(a)</p>
	<p>42. A modular walk-in vault comprising:</p> <ul style="list-style-type: none"> a seamless housing body unitarily formed as a single piece, said seamless housing body being substantially vapor-tight and having portions defining a front wall having a door opening therethrough, a rear wall, two side walls, a roof and a floor; a door frame positioned in the door opening; and a door mounted in the door frame whereby said vault is fire resistant and burglary proof. 	<p>Thörig: 102(b)</p>
	<p>43. A modular walk-in vault of claim 42, wherein a plurality of hooks are integrally formed into the seamless housing body for facilitating hoisting the seamless housing body.</p>	<p>Thörig+Handly: 103(a)</p>